

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Selfried et al.                      GROUP: Art Unit 3611  
SERIAL NO.: 10/828,820                      EXAMINER: Tony H. Winner  
FILED: April 21, 2004                      Dated: December 3, 2009  
FOR: SYSTEM FOR THE TRANSPORTATION OF CONSTRUCTION  
MACHINES, PREFERABLY EXCAVATORS

Mail Stop: Issue Fee  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313

PETITION UNDER 35 C.F.R. §1.181 TO REQUEST  
CORRECTED NOTICE OF ALLOWABILITY

Sir:

A corrected Notice of Allowability is respectfully requested. The Notice of Allowability (PTOL-37) accompanying the Notice of Allowance dated November 19, 2009 incorrectly fails to acknowledge the claim for foreign priority and receipt of the certified copy of the priority document.

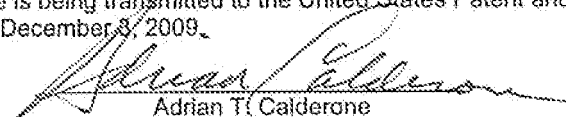
Evidence of actual receipt of the certified copy of the priority document is appended hereto:

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CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via the Office's electronic filing system on December 3, 2009.

Dated: December 3, 2009

  
Adrian T. Calderone

1. Copy of Transmittal of Priority Document (German Application No. 203 06 290.6 filed on April 22, 2003) mailed on August 30, 2004 and date stamped on September 1, 2004 as being received in the U.S. Patent and Trademark Office.

2. Copy of the list of documents associated with the prosecution file of the above-referenced application as posted on the U.S. Patents and Trademark Office website. As can be seen, the entry for 09-01-2004 records 21 pages received in connection with the Certified Copy of Foreign Priority Application.

3. A copy of the updated Filing Receipt of September 20, 2004 acknowledging the claim to priority of the German Application No. 203 06 290.6.

Accordingly, it is respectfully submitted that the Notice of Allowability is in error in failing to acknowledge the claim for priority and receipt of the certified copy of the priority document. Application therefore requests granting of this petition for issuance of a corrected Notice of Allowability.

It is respectfully requested that no fee is due herein. However, if it is determined that a fee is due in connection herewith, the Commissioner is authorized to charge any fee due herein to Deposit Account 04-1121.

Respectfully submitted,



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